

1. State v. Mount: Robert Mount, 38 years old, shared an apartment in town with his sister and her 19-year-old daughter, Brandy (Robert's niece). Over the course of weeks, Robt. became enamoured of Brandy. They spent some casual time together at bars, restaurants, pool halls, etc; she liked him, thought he was "cool" and was friendly; "encouragingly friendly," Robt. thought. One night after midnight, Robt arrived at the apt. after work, and Brandy arrived there after a bus trip from Idaho and an evening spent drinking with female friends; her mother, Robt.'s sister, was gone for the night. Robt and Brandy listened to music, had a drink or two, smoked some marijuana, and talked for two hours. After Brandy finally went to bed, Robt shortly came into the bedroom, lay down beside her, and caressed her intimately (she was apparently asleep, but responding). She said her boyfriend's name, and Robt stopped. She woke up and confronted him, he left the room and went to sleep on the couch. At dawn, Brandy's boyfriend called and she told him what happened. He called the police, who arrived soon and arrested Robt, who was charged with rape.
2. State v. Burckhard: Dustin Burckhard, 23, became acquainted with 19-year-old Breanna because she roomed with a female co-worker of Dustin's at Kirby Vacuum. They spent some time together over the course of a month, including some informal dates and including one night he spent at the girls' apt. in their bed with them. One fall weekend, Dustin went to Polson with Breanna and spend two days as a guest at Breanna's parents' home. On Sunday night, they drove home to Missoula in Breanna's car, Dustin driving. They ended up passing the Missoula exits, stopping in East Missoula to call on friends, then parking at a fishing access site a few miles north of Bonner after midnight. They had sexual intercourse in the car; then Dustin drove them to his apt, and Breanna then drove home to hers. Breanna and her friend came to see Dustin the next morning at work, but he was on the road. When he returned to town, he was arrested and charged with rape.
3. State v. Peter D.: Peter D, 22, was acquainted with 18-year-old Tasha because they and a set of mutual friends were all employed at Wendy's. One warm May night after Wendy's closed, a group of young people including Peter and Tasha decided to "party" down by the river with some vodka and marijuana. They spent all night by the river, Peter and Tasha being very mildly romantic at times. At dawn, Tasha, not feeling well, went with Adam Z to sleep at his house, while Peter drove some of the others home. Peter then had breakfast out, and arrived at Adam's house (where he was temporarily living) about 7 AM. He found Tasha asleep on the bed in the upstairs bedroom. He had a cigarette, she woke, they talked for awhile on the bed. They ended up petting and finally having sexual intercourse, during which she fell asleep. Peter then went to sleep beside her. Later in the day they woke, had breakfast downstairs, and went to work at Wendy's where, after the late shift ended, they played with a beachball in the parking lot with their friends. Several days later, Peter was arrested and charged with rape.